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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,431	06/14/2005	George Hoshi	040549	8396
23850 7590 05/28/2008 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
PRICE, CRAIG JAMES				
ART UNIT		PAPER NUMBER		
3753				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,431

Applicant(s)

HOSHI ET AL.

Examiner

Craig Price

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 4/28/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on & May 2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1,4/1,6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (6,076,543) in view of Ikeda et al. (6,014,498) and further in view of Mittendorf (2,819,858).

Johnson discloses a fluid control apparatus comprising a plurality of lines (as shown in figure 10) arranged in parallel on a base member (42) and having inlets, as well as outlets, facing toward the same direction, each of the lines comprising a plurality of fluid control devices (44,46,48) arranged in an upper stage and a plurality of block coupling members (77,78,80) arranged in a lower stage, and a space, with the line support member removably attached (using 106) to the base (98), a space for positioning the tape heater holding clip therein being provided in each of locations between adjacent fluid control devices as shown in figures 2-10.

Johnson has disclosed all of the features of the claimed invention although is silent as having the fluid control apparatus being characterized in that at least one of the lines is provided on each of opposite sides thereof with a tape heater, the tape heaters being held from opposite sides thereof to the line with a resilient force acting to reduce the spacing between the opposed walls of the clip, the line provided with the heaters being mounted on a line support member removably attached to the base member, and a tape heater holding clip being of an inverted U-shape with flat opposed walls and being removably attached to the tape heater.

Ikeda et al. discloses a device which teaches a system having the fluid control apparatus being characterized in that at least one of the lines is provided on each of opposite sides thereof with a tape heater (11).

Mittendorf discloses a heater being held from opposite sides thereof to the line by the clip (figures 2-4), the clip being an inverted U shape made of from a thin metal plate, and having flat opposed walls (the inner walls of 12 between the tabs 19) and being removably attached to the tape heater.

It would have been obvious to one of ordinary skill in the art at the time of invention to employ a tape heater as taught by Ikeda et al. into the device of Johnson to have the fluid control apparatus being characterized in that at least one of the lines is provided on each of opposite sides thereof with a tape heater, in order to prevent condensation and for preventing the re-liquification of a gas as converted from a fluid which is in the form of a liquid at room temperature (Col.1, Lns. 5-10).

Furthermore, It would have been obvious to one of ordinary skill in the art at the time of invention to employ a clip as taught by Mittendorf into the device of Johnson and Ikeda et al. to have the tape heaters being held from opposite sides thereof to the line with a resilient force acting to reduce the spacing between the opposed walls of the clip, the line provided with the heaters being mounted on a line support member removably attached to the base member, and a tape heater holding clip being of an inverted U-shape with flat opposed walls and being removably attached to the tape heater, in order to hold the heater closely to the surface thereby assuring good heat transfer (Col.2, Lns. 61-66).

Regarding claim 6, the heater tape would be in contact with the block coupling members in as much in the same manner as applicant's device is shown.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson '543, Ikeda et al. '498 and Mittendorf '858 and further in view of Lengstorf (3,733,459).

Johnson, Mittendorf and Ikeda et al. have disclosed all of the features of the claimed invention although are silent to the line support member has a heater insertion bore formed therein and extending longitudinally thereof, and a sheath heater is inserted into the bore.

Lengstorf discloses a device which teaches the use of a heater insertion bore formed therein and extending longitudinally thereof, and a sheath heater is inserted into the bore as shown in figure 3. It would have been obvious to one of ordinary skill in the art at the time of invention to employ Lengstorf's heater into the device of Johnson, Mittendorf and Ikeda et al. to have the line support member has a heater insertion bore formed therein and extending longitudinally thereof, and a sheath heater is inserted into the bore, in order to enable use during subfreezing conditions (Col.1, Lns. 3-6).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson '543 and Lengstorf (3,733,459).

Johnson discloses all of the features of the claimed invention including wherein each of the coupling members is slidably mounted on the line support member, and each of the fluid control devices is mounted on at least two adjacent coupling members, and each of the lines comprising a plurality of fluid control devices (44,46,48) arranged in an upper stage and a plurality of block coupling members (77,78,80) arranged in a

lower stage, and a space, with the line support member removably attached (using 106) to the base (98) member, although is silent in having the line support member having a heater insertion bore formed therein and extending longitudinally thereof, a sheath heater being inserted into the bore without insulating material.

Lengstorf discloses a device which teaches the use of a heater insertion bore formed therein and extending longitudinally thereof, and a sheath heater is inserted into the bore as shown in figure 3. It would have been obvious to one of ordinary skill in the art at the time of invention to employ Lengstorf's heater into the device of Johnson and Ikeda et al. to have the line support member has a heater insertion bore formed therein and extending longitudinally thereof, and a sheath heater is inserted into the bore without insulating material, in order to enable use during subfreezing conditions (Col.1, Lns. 3-6).

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to remove the insulating material from the heater, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same function as before involves only routine skill in the art.

6. Claims 2,3,4,5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson '543 and Ikeda et al. '498 and further in view of Lengstorf (3,733,459).

Johnson and Ikeda et al. have disclosed all of the features of the claimed invention, including each of the lines comprising a plurality of fluid control devices (44,46,48) arranged in an upper stage and a plurality of block coupling members

(77,78,80) arranged in a lower stage, and a space, with the line support member removably attached (using 106) to the base (98), although are silent to the line support member has a heater insertion bore formed therein and extending longitudinally thereof, and a sheath heater is inserted into the bore without insulating material, and the base member has a plurality of lateral rails made of a nonmetallic material and extending in a direction orthogonal to the lines.

Lengstorf discloses a device which teaches the use of a heater insertion bore formed therein and extending longitudinally thereof, and a sheath heater is inserted into the bore, and the base member (32) has a plurality of lateral rails made of a nonmetallic material and extending in a direction orthogonal to the lines as shown in figures 2 and 3. It would have been obvious to one of ordinary skill in the art at the time of invention to employ Lengstorf's heater into the device of Johnson and Ikeda et al. to the line support member has a heater insertion bore formed therein and extending longitudinally thereof, and a sheath heater is inserted into the bore without insulating material, and the base member has a plurality of lateral rails made of a nonmetallic material and extending in a direction orthogonal to the lines, in order to enable use during subfreezing conditions (Col.1, Lns. 3-6).

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to remove the insulating material from the heater, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same function as before involves only routine skill in the art.

Allowable Subject Matter

7. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1-8 have been considered but are not persuasive.

Applicant's argue the rejection for claim 1 by stating that "the distinguishing characteristics of the tape heater holding clip used in securing the tape heater" is not suggested by the rejection. The limitation is given as "a tape heater holding clip being of an inverted U-shape with flat opposed walls and being removably attached to the tape heater", certainly the clip of Mittendorf is an inverted U-shape and has flat walls disposed between the tabs of 19. Applicant further argues the use of the clip stating "a curved clip as taught by Mittendorf if utilized with a tape heater, would not bring the whole surface of the tape heater into contact with the block coupling member", yet there is no such recitation in the claims that the "whole surface of the tape heater contacts the block coupling member. However, Mittendorf does provide motivation that the use of the clip is to hold the heater closely to the surface thereby assuring good heat transfer (Col.2, Lns. 61-66).

Applicant's request the rejection for claim 2 be reconsidered relative to the use of a support member having a heater insulation bore along the length thereof and a sheath heater inserted in the bore without insulation. The heater may have insulation, although is installed in a bore which does not have insulation.

Regarding the argument concerning claim 2, that Lengstorf does not have the structure composed of "an upper stage, a lower stage, a line support member and a base member", these components are disclosed by Johnson, see pages 2 and 3 of the previous action. The Johnson et al. reference discloses each of the lines comprising a plurality of fluid control devices (44,46,48) arranged in an upper stage and a plurality of block coupling members (77,78,80) arranged in a lower stage, and a space, with the line support member removably attached (using 106) to the base (98).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 7AM - 5:30PM M-R, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

Art Unit: 3753

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP

22 May 2008

/John Rivell/
Primary Examiner, Art Unit 3753

/C. P./

Examiner, Art Unit 3753